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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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MARCOS VALDEZ,

Plaintiff,

*versus*

BRAD LIVINGSTON, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:09-CV-397

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Marcos Valdez, an inmate confined at the Gist Unit, proceeding *pro se*, brought this lawsuit pursuant to 42 U.S.C. § 1983 against Brad Livingston and R. Goings.

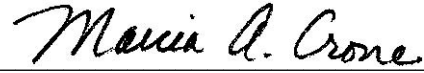
The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed without prejudice.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

**ORDER**

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendation.

SIGNED at Beaumont, Texas, this 9th day of December, 2009.

A handwritten signature in cursive script, reading "Marcia A. Crone".

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE